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| 10/044,605      | 01/10/2002  | Chen-Chun Chen       | D&F-019             | 9498             |

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EXAMINER

GILMAN, ALEXANDER

ART UNIT PAPER NUMBER

2833

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,605

Applicant(s)

CHEN, CHEN-CHUN

Examiner

Alexander Gilman

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being unpatentable over Seo in view of Yao.

With regard to claims 1-3, Seo (US 6, 364,716) discloses a rotatable non-foldable plug comprising:

- a plug ;
- a rotary case (10);
- a top cover (50a) having a circle opening and an annular frame (52);
- a restricting mechanism for limiting said rotary case to rotate (16, 54).

Seo does not disclose that the plug being foldable.

Yao discloses (US6,454,578) the plug being foldable.

With regard to claims 4, 6-8 Seo discloses all of the limitations except for a foldable plug comprising:

- a transverse rod with two grooves ;
- at least two blades ;
- at least two conductive terminals ;
- a concave storage base;
- an elastic engaging element .

Yao (US 6,454,578) discloses a foldable plug comprising:

- a transverse rod (18) with two grooves (21);
- at least two blades (22);
- at least two conductive terminals (24);
- a concave storage base;

Art Unit: 2833

an elastic engaging element (10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Seodevice with a foldable plug, as taught by Yao, for safety reasons.

With regard to claim 5, Seo when modified by Yao as applied to claim 4 discloses all of the limitations except for integrality of the blades and the terminals.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the blades and the terminals integral since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

2. Claims 9 –24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo in view of Yao as applied to claim 1 above and further in view of Yang .

With regard to claims 9-11, 17, and 23, Seo when modified by Yao, discloses all of the limitations except for

a circle opening having a diameter smaller than an inside diameter of said annular frame;

an annular groove and an annular protrusion.

Yang (US 6,093,028) discloses

a circle opening having a diameter (diameter of flange 41) smaller than an inside diameter of said annular frame;

an annular groove (33) and an annular protrusion (41).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Seo with the rotating features as taught by Yang, to prevent any inclinations during rotations.

With regard to claims 12, 13, 18, and 19, Seo when modified by Yang discloses all of the limitations except for the annular groove with a plurality of position points (concave points) and the annular protrusion includes a plurality of position units (elastic juts).

Art Unit: 2833

Seo discloses the annular groove with an elastic jut (16) and the annular protrusion includes a plurality of position points (concave points).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Seo with a plurality of position points (concave points) on the groove and a plurality of position units (elastic juts) on the annular protrusion, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With regard to claims 14 -16, 20-22, and 24, Seo when modified by Yao -Yang discloses (Seo) a first protrusion (18) and a second protrusion (56).

Seo does not disclose that the second protrusion is located on the inside wall of the frame.

It was held that would be no invention in shifting location of parts to a different position since the operation of the device would not be thereby be modified *In re Japikse*, 86 USPQ 70.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 05/09/2003 have been fully considered but they are not persuasive. With regard to claims 12, 13, 18, and 19, Applicant argue that Seo when modified by Yang does not teach the annular groove with a plurality of position points (concave points) and the annular protrusion includes a plurality of position units (elastic juts).

However, Seo discloses the annular groove with an elastic jut (16) and the annular protrusion includes a plurality of position points (concave points).

As it was shown in the Office Actions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Seo with a plurality of position points (concave points) on the groove and a plurality of position units (elastic juts) on the annular protrusion, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Art Unit: 2833

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Seo and Young both disclose rotatable plugs. Young suggests the structural features, well known in the art, for preventing any inclinations during rotation to adjust rotatable plug regarding the static housing (Young, col. 1, lines 39-44). That features were incorporated in Seo.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where

Art Unit: 2833

this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

A handwritten signature in cursive script that reads "Alex Gilman".

July 25, 2003